

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

September 28, 2009

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m.
Councilmembers present: Karen Adams, Dean Gokey, Tracy Langworthy, Lena Rotola, Wanda Sang, Mike Stites, and Terry Womble. Council Member Karen Berry was absent. Also present: Deputy City Clerk, Christa Jones; City Manager, Randy Young; Deputy City Manager, Patrick Goff; Assistant to the City Manager, Heather Geyer; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Community Development, Kenneth Johnstone; Director of Parks & Recreation, Joyce Manwaring; staff; and interested citizens.

APPROVAL OF MINUTES OF September 14, 2009

Motion by Mr. Gokey for approval of the Minutes of September 14, 2009; seconded by Mr. Womble; carried 7-0.

PROCLAMATIONS AND CEREMONIES

Mrs. Wheat Ridge, Karen Thaler, read the following Proclamations:
International Walk to School Day October 7, 2009.
Proclamation designating October as National Community Planning Month.
Conflict Resolution Month, October 2009.
National Family Literacy Day, November 1, 2009.

CITIZENS' RIGHT TO SPEAK

There was no one present to speak.

APPROVAL OF AGENDA

Motion by Mrs. Adams to add an Item H. under Consent Agenda; seconded by Mr. Stites; carried 7-0.

1. CONSENT AGENDA

- A. Motion approving Murray Dahl Kuechenmeister & Renaud, LLP, August 31, 2009 invoice for Attorney Services in the amount of \$16,441.57.
- B. Approval of payment to CIRSA for the deductible portion of claims paid by CIRSA for August 2009 Property Casualty in the amount of \$26,076.06.
- C. Award ITB-09-40 Watchable Wildlife Boardwalk Decking Contract to Specialty Wood Products, Aurora, CO, in the amount of \$24,282.48 for the purpose of constructing a boardwalk at Bass Lake in the Wheat Ridge Greenbelt.
- D. Resolution 50-2009 – approving an Intergovernmental Agreement among Jefferson County, the City of Wheat Ridge, the City of Golden, and the City of Westminster for reimbursement costs associated with construction of the Table Mountain Animal Center.
- E. Resolution 47-2009 – approving the first amendment to Site Lease Agreement with new Cingular Wireless for extension of a cellular tower lease.
- F. Award ITB-09-38 Emergency Warning System Phase II to AV-Tech Electronics, Inc. in an amount not-to-exceed \$91,536.75.
- G. Resolution 48-2009 – supporting Jefferson County Open Space to proceed with the exchange of the Open Space Reverter on approximately 1.75 acres of property located at 38th and Kipling Street to approximately 3.0 acres located at 11361 West 44th Avenue.
- H. Resolution 51-2009 – approving a Tax Incentive Agreement with Starkstrom - Geratebau GmbH (SGB).

Consent Agenda was introduced and read by Council Member Langworthy.

Mr. Gokey pulled Item H.

Motion by Mrs. Langworthy for approval of the Consent Agenda Items A. through G; seconded by Mr. Stites; carried 7-0.

Motion by Mr. Gokey for approval of Item 1. H.; seconded by Mrs. Rotola.

Ryan Stachelski, Economic Development Specialist, gave the staff report.

Motion carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Council Bill 25-2009 – An Ordinance amending Article VI of Chapter 26 of the Wheat Ridge Code of Laws concerning Trash Dumpster Regulations.
(Case No. ZOA-09-04)

Mayor DiTullio opened the public hearing.

Council Bill 25-2009 was introduced on second reading by Council Member Sang, who read the executive summary.

Deputy City Clerk Christa Jones assigned Ordinance No. 1454.

Adam Tietz, Community Development Department, presented the staff report.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 25-2009 (Ordinance 1454) on second reading and that it take effect 15 days after final publication; seconded by Mr. Gokey; carried 7-0.

3. Council Bill 26-2009 – An Ordinance repealing and reenacting Section 26-501 of the Wheat Ridge Code of Laws concerning Off-Street Parking and Loading.
(Case No. ZOA-09-03)

Mayor DiTullio opened the public hearing.

Council Bill 26-2009 was introduced on second reading by Council Member Sang.

Deputy City Clerk Christa Jones assigned Ordinance No. 1455.

Kenneth Johnstone presented the staff report.

John McMillin, heard good, progressive things pertaining to commercial parking, but didn't hear any discussion about residential parking. Will the new rules require paving of driveways within a grandfathered construction?

Mr. Johnstone replied that existing residential driveways are exempt from this requirement. If somebody builds a new garage, they would need to meet the current standard for a driveways, which is the first 25 feet in from the street would need to be asphalt, concrete, or brick pavers and the remainder of the driveway could be more of a gravel material.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 26-2009 (Ordinance 1455) on second reading and that it take effect upon adoption, with the following conditions:

1. Delete the last sentence in Section C.2.b.ii.b) of the Ordinance, which states the following: "In no instance shall said off-lot parking be located across an arterial street as defined in the Comprehensive Plan".
2. Insert the following language in Section C.2.b.ii.c):
"Shared parking that is located across an arterial street as defined in the Comprehensive Plan shall be accessible to pedestrians using an existing traffic signal which includes a pedestrian crossing phase to cross the arterial street. The total walking distance from the main entry of the building to the shared parking, by way of the traffic signal crossing of the street, shall not exceed 300 feet."

Seconded by Mr. Stites and Mr. Gokey; carried 7-0.

4. Public Hearing on 2010 Proposed Budget.

Mayor DiTullio opened the public hearing.

Patrick Goff presented the proposed 2010 budget.

Charles Holcer asked what was implemented that was recommended by the Budget Oversight Committee. The cuts come from the Capital Improvement budget and vehicles instead of personnel. Do we need all the employees? He is concerned that Council did not address revenue generation, such as an increase in property taxes, employee head tax, vehicle transfer tax.

Council discussion followed.

Mayor DiTullio passed the gavel to Mayor pro tem Wanda Sang.

He is concerned about public safety and the fact that sworn officers also have to take the furlough days. He is also concerned about the maintenance of the roads in City. If they are not fixed, it will only get worse over the winter. He thinks this budget should be approved after the election to allow the new Councilmembers to participate in the approval.

Mayor DiTullio closed the public hearing.

ORDINANCES ON FIRST READING

5. Council Bill 27-2009 - An Ordinance amending Ordinance 1446-2009, concerning a Time-Limited Rebate of a portion of the City's Building Permit and Inspection Fees for the repair of damage caused by the July 20, 2009 Storm.

Council Bill 27-2009 was introduced on first reading by Mr. Stites.

Motion by Mr. Stites to approve Council Bill 27-2009 on first reading, order it published, public hearing set for Monday, October 12, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Womble and Mrs. Sang; carried 5-2 with Councilmembers Adams and Rotola voting no.

DECISIONS, RESOLUTIONS, AND MOTIONS

6. Acceptance of the 2008 Comprehensive Annual Financial Report (CAFR)

Item 6 was introduced by Mrs. Langworthy, who read the executive summary.

Wendy Swanhorst from the CPA firm of Swanhorst & Company, LLC was present and explained their audit and recommendations.

Motion by Mrs. Langworthy to accept the 2008 Comprehensive Annual Financial Report from Swanhorst & Company, LLC; seconded by Mr. Stites and Mr. Gokey; carried 7-0.

7. Resolution 49-2009 – approving a two-lot Minor Subdivision Plat with dedication for Public Right-of-way for property located at 3885 Upham Street.
(Case No. MS-09-02)

Resolution 49-2009 was introduced by Mrs. Sang, who read the executive summary.

Motion by Mrs. Sang to approve Resolution 49-2009 for the following reasons:

1. All development standards of the R-C Zone District have been met.
2. All requirements of the Subdivision Regulations have been met.
3. All required utility easements are being provided.
4. 25 feet of right-of-way is dedicated by this plat to the City of Wheat Ridge in order to meet the standard for a local street width.
5. The east side of Upham Street has been dedicated as Public right-of-way up to the property being subdivided;

Seconded by Mr. Womble.

Thomas Ripp, Attorney, representing the applicant, was present and answered questions.

Motion carried 7-0.

CITY ATTORNEY'S MATTERS

Mr. Dahl stated that the election results don't need to be certified until November 20. He suggested that the regular meeting on November 9 and the Study Session on November 16 be canceled.

Motion by Mrs. Sang to cancel the November 9 and November 16 Study Session; seconded by Mr. Stites; carried 7-0.

ELECTED OFFICIALS' MATTERS


Mrs. Rotola reminded everybody to help the food banks.

Mr. Stites asked that people do some positive thing for somebody else and always find it and buy it in Wheat Ridge.

Mrs. Sang reminded everybody to please slow down in school zones.


Mayor DiTullio thanked everybody who participated in any manner in the Farmers 5000.

Meeting adjourned at 8:50 p.m.



Christa Jones, Deputy City Clerk

APPROVED BY CITY COUNCIL ON OCTOBER 12, 2009 BY A VOTE OF 8 to 0



Wanda Sang, Mayor pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.